

Legal and Policy Advisory Group

September Meeting 2

September 17, 2013



Agenda

Project Update

Mass Hlway Phase 2 policy input

Next Steps

Phase 1 – Transaction and deployment update (as of Aug 2013)

Deployment update:

<u>Total Organizations in Production:</u>	<u>28</u>
<u>Total Organizations Live</u>	<u>13</u>
<u>Total Organizations on the Hlway</u>	<u>41</u>

Major Clients slated for Sept/Oct Testing: 3

- Holyoke (MIIS)
- PVIX/Baystate
- Atrius, Reliant, and VNA Care Network (MIIS)

Vendors requesting to connect as a HISP 11

- Surescripts
- eCW
- EPIC
- Allscripts
- Aprima
- KeyHIE Transform
- eLINC
- ClaimTrak Systems
- eHana
- McKesson
- MEDfx Corporation

Transaction update:

Transactions exchanged in Aug:	97,058
Cumulative transactions to date:	1,446,634

Phase 2 overall timeline

Mass Hlway Phase 2 high level project schedule

Activity	Target date
CMS approval of Phase 2 IAPD	Completed
Phase 2 contract (or change order) executed	Completed
Go-live - Public Health - Immunization Registry Node	Completed
Go-live - Public Health - Reportable Lab Results (ELR) Node	Completed
Testing - Public Health - Syndromic Surveillance Node	Completed
Testing - EOHHS – Children’s Behavioral Health (CBHI) Node	Completed
Phase 2 Requirements Gathering & Validation	Completed
Phase 2 Design Approach Preliminary Decision	Completed
Go-live - Opioid Treatment Program (OTP) Node	Sept 2013
Go-live- Cancer Registry Node	Dec 2013
Go-live- Lead Poisoning Prevention Node	March 2014
Go-live for Phase 2, Release 2 (EMPI, RLS, Consent, Provider Portal, Consumer Portal)	Oct 2013 – Mar 2014

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Legal-Policy Issue Framework

- 1. Technical and Policy Controls governing Phase 2 Functions (July meeting)**
- 2. RLS (September 3 meeting)**
 1. Patient-matching
 2. Uses of RLS information
- 3. Consent (standardization, content, format, scope) (Today's meeting)**

What is the foundation we have to build upon for PHI disclosure? (setting the table for the discussion)

Current practice – non electronic information exchange: All MA healthcare providers have in place policies, agreements, documentation, and processes for legal disclosure of personal health information (PHI) including protections for disclosure of:

- HIV test results
- Genetic test results
- Drug and alcohol treatment records from federally supported facility

Current practice – electronic information exchange: In addition, many MA healthcare providers have policies, agreements, documentation, and processes for legal electronic disclosure of PHI as part of participation in:

- Mass Hlway phase 1 services
- Bi-lateral information sharing arrangements (e.g., Cross-entity viewer)
- Regional health information exchanges
- Privately supported statewide information exchanges (e.g., NEHEN)

Near Current practice - HIPAA Omnibus: Providers are days away from the deadline to implement changes to privacy and security practice required of the HIPAA Omnibus

Refresher - RLS and Query-Retrieve Available Either Through Hlway Portal or Integrated in EHR

Data requestor

Record search:
Portal
or
EHR-integrated



Phase 2 Hlway Service


Relationship Listing
Service

Record request:
Portal- or EHR-
generated

Record response:
Directly back to
requestor (ie, portal
does not RECEIVE
any response
information)

Four Query-Retrieve Methods

Manual retrieve



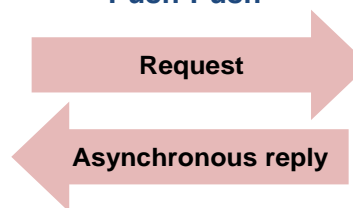
- Find record location via portal
- Retrieve records manually (phone, fax, etc)

Cross-entity viewing



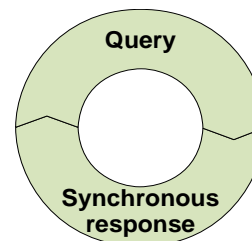
- View other EHR within own EHR or HIE Portal
- “SSO-like” access between participating systems

“Push-Push”



- Email-like manual process
- Does not require new standards – leverages Stage 2 MU

“Query-response”



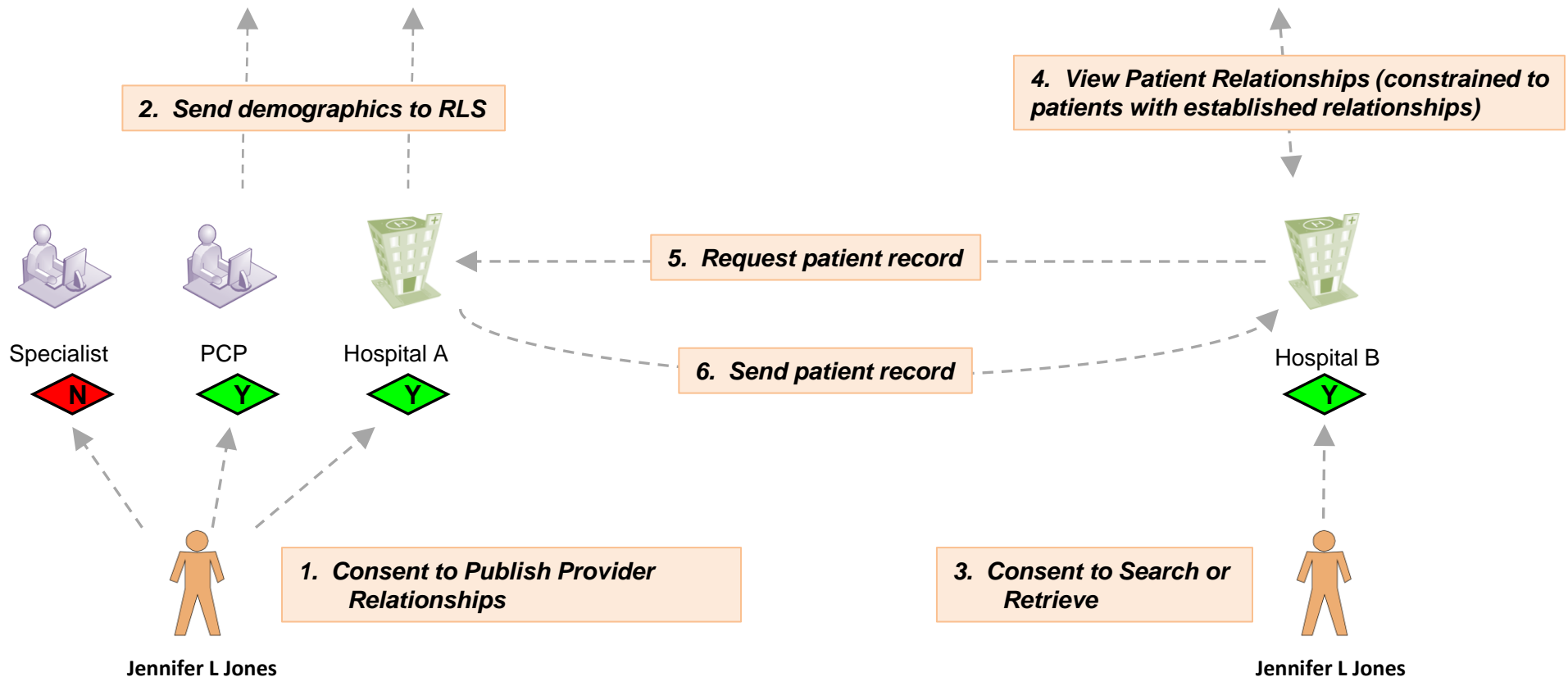
- Query with automated response
- Like electronic eligibility or RX history requests
- Requires new standards beyond Stage 2 MU

Refresher – Phase 2 patient matching and relationship listing



Relationship Listing Service (RLS)

<u>Patient name</u>	<u>Local name</u>	<u>Institution</u>	<u>MRN</u>	<u>Last event date</u>	<u># events</u>
Jones, Jennifer L	Jones, Jennifer	Hospital A	1234	Dec 3, 2012	3
Jones, Jennifer L	Jones, Jenny	PCP	5678	Jul 8, 2010	12



What is new about PHI disclosure with Mass Hlway phase 2?

	Same as current day	New
What data is being disclosed?	<ul style="list-style-type: none"> -Patient demographic information -Personal Health Information 	
Who is disclosing it?	<ul style="list-style-type: none"> -Data holders participating in HIPAA TPO 	
Why is it being disclosed?	<ul style="list-style-type: none"> -Treatment, Payment, and Operations 	
To whom is it being disclosed?	<ul style="list-style-type: none"> -Data holders participating in HIPAA TPO 	<ul style="list-style-type: none"> -Mass Hlway MPI/RLS (demographic information only)
How is it being disclosed?	<ul style="list-style-type: none"> -Point-to-point send of patient information -Medical record request -Response to medical record request -Cross-entity view request (aka "Magic Button") -Cross-entity view 	<ul style="list-style-type: none"> -RLS update and view -Medical record request initiated via Mass Hlway -Cross entity view request initiated via Mass Hlway

What new consent requirements does phase 2 require?

Draft position for Advisory Group reaction and feedback

Healthcare provider organization must obtain and record Patient permission to:

1. Publish to and view the patient's demographic information and organization relationship on the Mass Hlway Relationship Listing Service (RLS)
2. Request the patient's medical record from another provider organization via the Mass Hlway Medical Record Request service

Mass Hlway must be clearly named on the form(s) used to gather patient preferences and/or within the Notice of Privacy Practice

Healthcare provider organization has full discretion to “bundle” the disclosure permissions listed above with each other and/or with non-Hlway permissions – however

When a patient changes his/her permissions with regards to Hlway, healthcare provider organization is required to update internal systems and to send an update message to the Mass Hlway

Mass Hlway will enforce access to patient listing on RLS to those entities that have declared a patient-authorized relationship with the patient

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- Meeting notes synthesized and provided back to Advisory Group for final comments
- Presentation materials and notes to be posted to EOHHS website
- Next Advisory Group Meeting – October 15, 2:30-4:00
 - Mass Medical Society – Suffolk conference room
 - Conference call (866) 951-1151 x. 8234356
- HIT Council –October 7, 3:30-5:00 One Ashburton Place, 21st Floor

HIT Council meeting schedule, presentations, and minutes may be found at <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/masshiway/hit-council-meetings.html>